

RECEIVED

JUL 15 2002

Department of Water Resources

MEMO

To: Norm Young
From: H.W. Jones-Eastern Region
RE: Ridge/Fellows dispute- July 11, 2002

Attached is Dave Carlson's report on his on-site visit with Jim Ridge. The yellow hi-lite on the enclosed map tracks the current flow pattern of the "drain". Looking at the five (5) licenses in the area, three say the sources are tributary to the Bear River two say their sources are sinks. The most recent license #13-2279, was examined by Anthony Koslowski and his information has historically been reliable.

Since the current delivery priority on this section of the Bear River is 1902 both parties should be shut off. Also head gates and/or measuring devices should be ordered installed.

One concern however, is the status of the rights involved. They are all licenses and not decrees. Does the water master have regulatory authority? I've been told that a current philosophy companion to the SRBA is that the water master have to have decreed rights to administer. If not then Pete Peterson should be instructed to curtail these water rights and order on a head gate and measuring devices.

A handwritten signature in blue ink, appearing to be "H. W. Jones", is located below the main body of text.

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MAR 29 2005

Field Review-- Ridge/Fellows dispute
Preston area 7/5/2002
Dave Carlson

Went to the Preston area and met with Jim and Suzanne Ridge.
They took me to the Fellow's headgate and the area above the Ridges property where there is a pile of concrete partially in the creek or drain. Informed the Ridges that they would not get any use of the water if Fellows could'nt use it, they understood but want it in the natural stream channel.

Mr Fellows has welded a plate into the culvert that would carry the drain or creek water in its natural stream channel. This plate blocks about 1/3 of the culvert and backs up the water into Mr Fellows headgate into a pipeline to sprinkle the area to the south and west of the point of diversion NE 1/4 of section 20. The water was being used on the area below the bench next to the Bear River in section 20.

Talked to Mr Fellows about the situation. Informed him not to move the pile of concrete into the channel any more than it already is. He said he's trying to stop the headcut from backing up into his property.
Asked him how he uses the water in the drain or stream currently. He said he uses it on the area in section 20 below the headgate, but uses canal water on the area in section 16. Informed him that based on his priority dates on the water rights in question, I doubted that any of his rights would be "on" based on the priority dates that would be "on" in Bear River. He assumed that if the water was there, it was his to use. According to the water master—1902 would be the latest priority date available today. Estimate no more than 2-3 cfs in the drain above the highway.

Fellows water rights are as follows

1937—0.1 cfs used in sec 20/springs or unnamed stream trib bear river 13-2135
1942--2.0 cfs used in sec 16/unnamed drain trib to sinks 13-2147
1953—1.0 cfs used in sec 20/unnamed stream trib to sinks 13-2175
1967—0.91 cs used in sec 20/tanner drain/bell drain trib to bear river 13-2279

Took photos of the concrete pile, Ridges draw/gulley, Fellows headgate area, the drain area above the highway.

The Humble But Reasonably Priced Law Dept. of
ASPEN RIDGE RANCH
James and Suzanne Ridge
1239 N. 2200 W.
Preston, Id. 83263
(208)852-9166

Harold Jones
Dept. of Water Resources
900 North Skyline Dr. Suite A
Idaho Falls, Id. 83402

Re: Concerning the misuse by Robert/Earl Fellows of his water rights: 13-2135 of .1 CFS (1937), 13-2147 of 2.0 CFS (1932), 13-2175 of 1.0 CFS (1953), and 133-2279 of .91 CFS (1967), resulting in the depravation of the Ridge's water rights: 13-2282 of 1.42 CFS (1967), in addition to destroying a wetlands on the Ridge property and altering a natural stream bed flow.

Dear Harold Jones,

Many incidences have led up to final exasperation with a Mr. Earl Fellows regarding the use and misuse of water rights from the Bell-Tanner Drain by Mr. Fellows. Last year, Mr. Fellows aggressively informed Jim Ridge that he would do anything he had to do to prevent the Ridges from using their water rights out of the Bell-Tanner Drain. Since then Mr. Fellows has blocked, diverted, and destroyed the flow after his most downstream diversion, in an attempt to do just that. This has caused the extreme drying up of a well established stream bed and wetland area, and destroyed our flood irrigation potential now, as well as our sprinkler irrigation in the future.

It appears that Mr. Fellows has several points of diversion that he is taking his water out of while he is only permitted for one. From where the Bell-Tanner Drain enters Mr. Fellows' property at the upper portion of his farm to the most downstream portion, he is entitled to a total of 4.01 CFS and only 4.01 CFS. In our estimation, there is a considerable amount more than both of our water rights together by the time it gets to his most downstream diversion after he already pulls his irrigation out of it for the upper portion of his farm.

We have contacted the local water master Pete Peterson regarding this issue. He has refused to intervene in the matter. Because of Pete Peterson's refusal to intervene, we are asking for the States assistance in defending our water rights and preserving the natural streambed and wetland area as quickly as possible. We feel that the only way to accomplish this is to have the Department of Water Resources come and observe Mr. Fellow's entire use of this water, ie. irrigation, dairy operation, stock watering, useless bleed off and diversions. We feel that an order by the department to install measuring devises at the entry to Mr. Fellows' property and exit from is necessary to keep Mr. Fellows honest.

Thank you for your interest and time attending to this matter.

Sincerely,

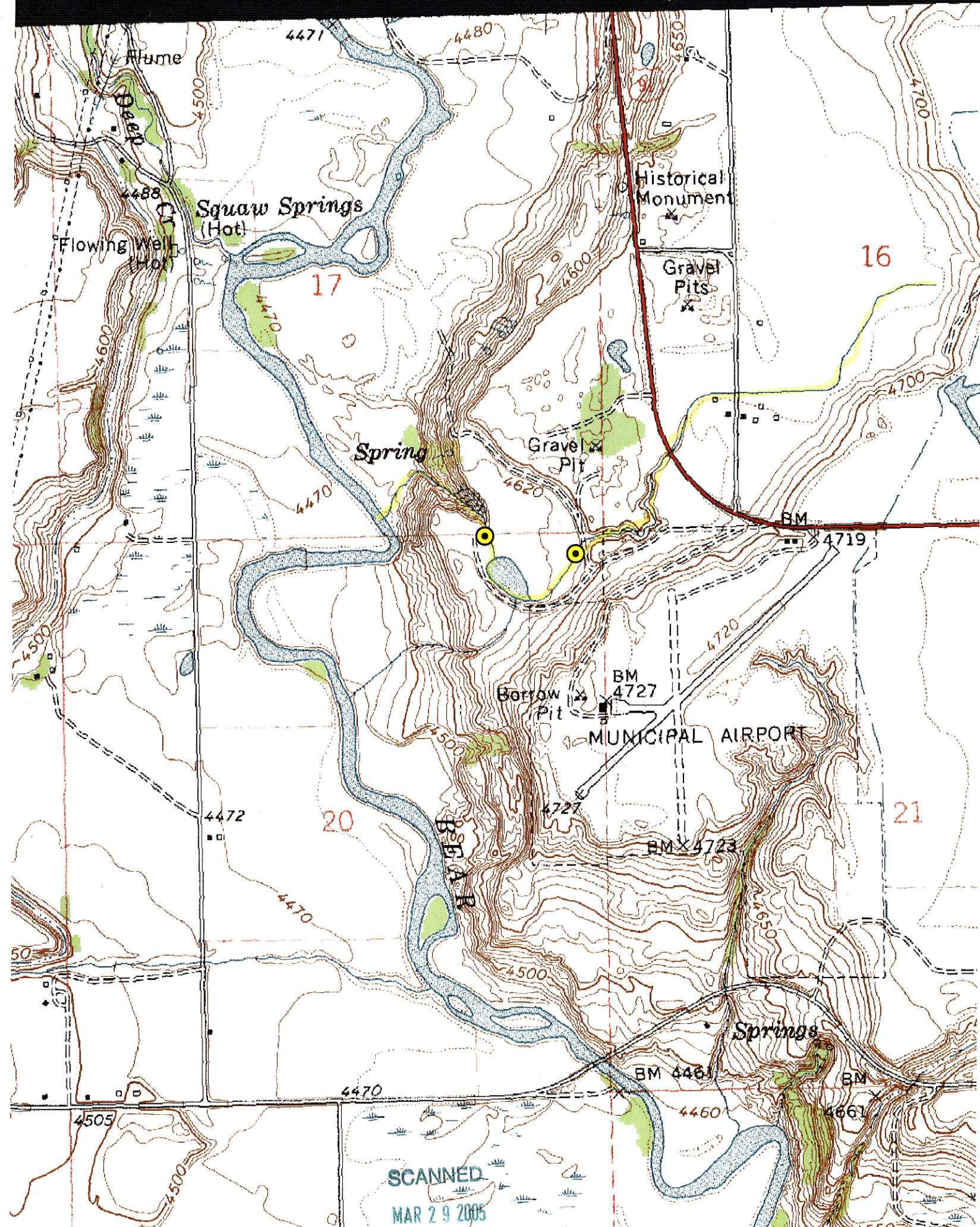
James Ridge & Suzanne Ridge
cc: Army Corp of Engineers
USDA
Fish and Wildlife
Sheriff's Dept.
EPA
Kent Foster

Jay McKenzie

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MAR 29 2005

Earl Fellows



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MAR 29 2005

DATE: 07/02/02

USE PERIOD	DIVERSION	DIVERSION
FROM TO	RATE	VOLUME
00/00 00/00	0.100 CFS	

Stage: LICENSE

FRANKLIN County
FRANKLIN County

[illegible]

Dates:	App. Received:	Priority Date:	04/21/1937
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		
Misc:	Water District Number:	Field Exam Fee:	
Audit:	03/10/86	05/21/88	CONVERT

MR5809NP
No. 13-02147

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/02/02
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM E. FELLOWS	11/13/1942	IRRIGATION	00/00 00/00	2.000 CFS	
C	ORIN V. FELLOWS					
	PRESTON ID					
TOTAL DIVERSION:					2.000 CFS	

Water Source: UNNAMED DRAIN

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T15S R39E S16

NWSE

FRANKLIN County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac					
15S 39E 16 :			40	20	20
TOTAL ACRES					100.0

Pou County: FRANKLIN

Dates:	App. Received:	Priority Date:
	Proof Due Date:	Proof Made Date:
	Exam Made Date:	Exam Sent to S.O.:
	Licensed Date: 03/23/1979	
Misc:	Water District Number:	Field Exam Fee:
Audit:	03/10/86 05/21/88 CONVERT	

WRS809NP
No. 13-02175

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/02/02
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H. R. BINGHAM	05/01/1953	IRRIGATION	00/00 00/00	1.000 CFS	
C	ELDON B. BINGHAM					
WESTON ID						
TOTAL DIVERSION:					1.000 CFS	

Water Source: UNNAMED STREAM

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T15S R39E S20

NENE

FRANKLIN County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
15S 39E 20	: 31	: 15	: 04	:	:
					TOTAL ACRES
					50.0
					50.0

Pou County: FRANKLIN

Dates:

App. Received:

Priority Date:

05/01/1953

Proof Due Date:

Proof Made Date:

Exam Made Date:

Exam Sent to S.O.:

Licensed Date: 03/23/1979

Misc:

Water District Number:

Field Exam Fee:

Audit:

03/10/86 05/21/88 CONVERT

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MAR 29 2005

LR5809NP
No. 13-02279

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/02/02
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H. R. BINGHAM	01/18/1967	IRRIGATION	04/01 11/01	0.910 CFS	175.00 AFA
C	ELDON B. BINGHAM					
RT. 3						
	PRESTON ID 83263				0.910 CFS	175.00 AFA

Water Source: TANNER DRAIN
BELL DRAIN

Tributary to: BEAR RIVER
BEAR RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 0.910 CFS

Point(s) of Diversion: T15S R39E S20 NENE

FRANKLIN County

Place of use Legal Description for: IRRIGATION

	NE	SE	SW	NE	SE	SW	NE	SE	SW	TOTAL ACRES
T R S	15	39	20	14	18	10	01	07		50.0
										50.0

Pou County: FRANKLIN

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Dates:

App. Received: 01/18/1967
Proof Due Date: 01/24/1973
Exam Made Date: 01/01/1900
Exam Sent to S.O.:
Licensed Date: 04/29/1982

Misc:

Water District Number: 11 Field Exam Fee:

Audit:

03/10/86 05/21/88 CONVERT 02/06/98 CLEARFLD

DATE: 07/02/02
PAGE: 1

SCANNED
MAR 29 2005

249.00 AFA

Stage: LICENSE

1.420 CFS

T15S R39E S17

FRANKLIN County

IRRIGATION

22

of State Wa

04/07/1967

12/31/1979

number: 11

38 CONVERT



Headgate for Mr Fellows
NENE sec 20

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MAR 29 2005



Culvert/natural channel for creek/drain
with welded plate blocking partially
at head gate in Sec 20 NENE



Mr Ridges Gulley/Draw sec 17 SE 1/4

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Mr Fellow's concrete dump in creek/drain
sec 20 NE 1/4



Mr Fellow concrete dump next to
creek sec 20 NE 1/4

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~~drain~~ drain above highway in sec 16